



CRL OP(MD). No.6365 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6365 of 2025

Prashanth Alias Mani

.. Petitioner/ Accused No.2

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Tirunelveli District.
Crime No.148 of 2025.

... Respondent/Complainant

For Petitioner : Mr. N.Pragalathan
Advocate.

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.148 of 2025 on the file of the Respondent Police.



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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.2 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) Bharatiya Nyaya Sanhita, 2023 r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1967 in Crime No.148 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on receiving a secret information, on 28.03.2025 at about 2.30 am, when the defacto complainant, who is the Zonal Deputy Tahsildar, Radhapuram Taluk, along with some Police officials, attached to the respondent-Police Station, was on patrol duty, near Nedungulam, they found that the accused persons had been illegally excavating and transporting 2 units of gravel sand by using a Lorry bearing Regn. No.TN 72 DZ 7760. On seeing the officials, they escaped from the place leaving the vehicle. They seized the same. Hence, the case.



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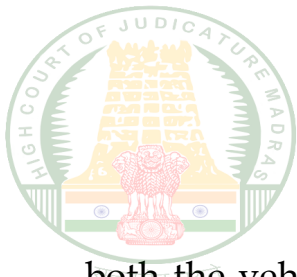
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4. Mr.N.Pragalathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner herein is the owner of the vehicle and that there is no previous case pending against him. He further submits that the investigation of the case is still pending, and therefore, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. In view of the offence allegedly committed by the petitioner and quantity of river sand allegedly excavated and transported by the petitioner and the fact that



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both the vehicle and minerals were seized, this Court is of the considered opinion that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and taking note of the fact that there is no previous case pending against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Valliyoor, Thirunelveli District within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Valliyoor, Thirunelveli District.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Valliyoor, Thirunelveli District shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent - police daily at 10.00 am until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Valliyoor, Thirunelveli District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Valliyoor, Thirunelveli District, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
09/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Valliyoor, Thirunelveli District
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4238[I] dated 15/04/2025)



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ORDER

IN

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Date :09/04/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023